

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Feb 28, 2024**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

LINDA MCLEAN, individually and  
as Administrator of the Estate of  
LEROY JERRED, deceased;  
DEANNA ANGSTROM, f.k.a  
HEATH, adult child of LeRoy Jerred,  
individually,

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

No. 2:23-CV-00300-SAB

**ORDER GRANTING UNITED  
STATES' MOTION FOR  
PARTIAL DISMISSAL**

**ECF No. 7**

Before the Court is Defendant United States' Motion For Partial Dismissal, ECF No. 7. Plaintiffs filed a statement of non-opposition to the motion. ECF No. 8. The motion was considered without oral argument.

The United States brings its motion pursuant to Federal Rule of Civil Procedure 12(b)(1). It seeks dismissal of Plaintiffs' first (Eighth Amendment), second (42 U.S.C. § 1983) and third (medical negligence) causes of action, as well as all claims asserted by Plaintiffs in their individual capacities. The United States asserts that the Federal Tort Claims' Act's statute of limitations, sovereign immunity, and the doctrine of standing bar these claims.

**ORDER - 1**

1 Having reviewed the record and being fully informed, **IT IS HEREBY**  
2 **ORDERED:**

3 1. The United States' unopposed Motion for Partial Dismissal, **ECF No.**  
4 **7**, is **GRANTED**.

5 2. Plaintiff Linda McClean, in her capacity as the Administrator of the  
6 Estate of Leroy Jerred, is the sole Plaintiff moving forward and she may proceed  
7 on the wrongful death claim (fourth cause of action) against the United States.

8 All other claims in the Complaint are **DISMISSED WITHOUT**  
9 **PREJUDICE**. Plaintiffs Linda McClean and Deanna Angstrom, in their *individual*  
10 *capacities*, are terminated as parties to the action.

11 **IT IS SO ORDERED.** The District Court Clerk is hereby directed to enter  
12 this Order and provide copies to counsel.

13 **DATED** this 28th day of February 2024.



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A handwritten signature in blue ink, reading "Stanley A. Bastian", is written over a horizontal line.

19 Stanley A. Bastian  
20 United States District Judge  
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